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| 10/797,098 | 03/11/2004 | Chien-Tsung Chen | | 4588 |
| 77032 | 7590 | 05/13/2008 | | |
| Joe McKinney Muncy PO Box 1364 Fairfax, VA 22038-1364 | | | | |
| EXAMINER | | | | |
| TAKLE, MESEKER | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2175 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,098

Applicant(s)

CHEN, CHIEN-TSUNG

Examiner

MESEKER TAKELE

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to the RCE and Amendment filed 3/12/2008.
2. Claims 16-29 are pending in this application. Claims 1-15 are cancelled. In the instant Amendment claims 16-29 were added. This action is made Non-Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Applicant Applied Prior Art ("AAPA" US Pub No.: 2005/0039140) in view of Tambata et al. ("Tambata" US Patent No.: 7,096,431).

As to claim 16, AAPA discloses a method for providing a human interface in a computer (paragraph [0002] – [0004]), the method comprising:

displaying an auto-scroll menu having a first switching icon displayed thereon (paragraph [0003] – [0004]);

determining whether the first switching icon is selected; switching to a multifunctional menu from the auto-scroll menu when the first switching icon is selected (paragraph [0003] – [0004]).

However AAPA does not explicitly disclose wherein the multifunctional menu has a plurality of macro instruction icons and a plurality of instruction icons displayed in a single frame; determining which of the macro instruction icons is selected; and changing the instruction icons according to the selected macro instruction icon.

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Tambata from similar field of endeavor discloses wherein the multifunctional menu has a plurality of macro instruction icons and a plurality of instruction icons displayed in a single frame (such as, A menu display apparatus includes a first display screen on which a plurality of first icons, abstract);

determining which of the macro instruction icons is selected; (such as, method for allowing a user to easily and reliably select desired content by switching a display between a first display screen on which a plurality of first icons, col., 1 lines, 10-15) and

changing the instruction icons according to the selected macro instruction icon (such as, in application programs, when a menu for opening a file is selected, a sub-window is opened by a pull-down menu, and files and folders contained in a predetermined folder are displayed in this window. A button disposed in the window is selected to switch the display to a folder contained in a higher directory. A folder displayed in this window can then be selected to switch the display to a subdirectory. In this case, the user sequentially switches the display to subdirectories to select the desired content (col., 1 lines, 35-44).

It would have been obvious to one of ordinary skill in the art to have modified AAPA's teaching at the time of the invention was made with the teaching of Tambata.

The motivation to combine allows a user to easily and reliably select desired content.

As to claim 17, Tambata discloses wherein the macro instruction icons are surrounded by the instruction icons (Figure 4).

As to claim 18, Tambata discloses wherein the macro instruction icons and the instruction icons are arranged in concentric circles (Figure 4).

As to claim 19, Tambata discloses, further comprising updating the macro instruction icons (col., 3 lines, 26-32).

As to claim 20, Tambata discloses, further comprising updating the instruction icons (col., 3 lines, 26-32).

As to claim 21, Tambata discloses, further comprising displaying a second switching icon on the multifunctional menu, (col., 1 lines, 35-44 and abstract).

As to claim 22, Tambata discloses, further comprising: determining whether the second switching icon is selected; and switching to the auto-scroll menu from the multifunctional menu when the second switching icon is selected (such as, In application programs, when a menu for opening a file is selected, a sub-window is opened by a pull-down menu, and files and folders contained in a predetermined folder are displayed in this window. A button disposed in the window is selected to switch the display to a folder contained in a higher directory. A folder displayed in this window can then be selected to switch the display to a subdirectory. In this case, the user sequentially switches the display to subdirectories to select the desired content, col., 1 lines, 35-44).

As to claim 23, Tambata discloses wherein the second switching icon is surrounded by the macro instruction icons (Figure 4 and Figure 19).

Claim 24 is similar in scope to claim 16 respectively, and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 17 respectively, and is therefore rejected under similar rationale.

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Claim 26 is similar in scope to claim 18 respectively, and is therefore rejected under similar rationale.

Claim 27 is similar in scope to claim 19 respectively, and is therefore rejected under similar rationale.

Claim 28 is similar in scope to claim 20 respectively, and is therefore rejected under similar rationale.

Claim 29 is similar in scope to claim 23 respectively, and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./
Examiner, Art Unit 2175

/William L. Bashore/
William L. Bashore
Primary Examiner
Tech Center 2100